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April 29, 1993

Donna R. Searcy, Secretary
Federal Communications Commission
Washington, D.C. 20554

RE: Ex Parte Communication
ET Docket No. 93-7

Dear Ms. Searcy:

I am writing this letter on behalf of the National Captioning Institute, Inc. (NCI), as an ex parte communication to the Commission in the above-referenced rule making proceeding, concerning compatibility between consumer electronic goods and cable television systems.

NCI wishes to call the Commission's attention to the need to ensure that television viewers have access under all circumstances to the closed captions contained in television programs and that receiver features that allow captions to be displayed are not defeated by cable television or other ancillary electronic equipment. The importance of captioning was not adequately addressed in the Notice of Proposed Rule Making in this proceeding; hence NCI believes it is necessary to highlight the captioning problem in this written communication.

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NCI has spearheaded the development of captioning encoding and decoding equipment and for the last 12 years was the sole manufacturer of decoders (TelecaptionTM) for the consumer market. NCI has also developed line 21 closed caption decoding-integrated circuits that will be built into new television receivers. In developing such technology, NCI has worked particularly closely with cable systems operators, cable TV equipment manufacturers, and cable TV signal security systems creators to prevent and resolve compatibility problems between cable equipment and the line 21 captioning services.

Line 21 closed caption decoding capability will soon be a universal feature on television receivers.

Beginning July 1, 1993, every television receiver manufactured for sale in the United States with a 13-inch or larger screen shall, by federal statutory requirement ^{2/}, have the ability to decode line 21, field 1 closed captions. Thus, starting only a few months from now, line 21 caption decoding will be the most common of all consumer features on new receivers, even more common than remote controls. ^{3/} This feature not only will be virtually universal but is also of the utmost importance to the deaf and hard-of-hearing population. It is not a frill or a luxury but rather a necessity to these viewers. ^{4/} Therefore, it merits the Commission's closest attention in this proceeding.

The Commission should also be aware that improperly designed cable television technology can interfere with the delivery of closed captions.

NCI's experience has established clearly that (a) compatibility problems can arise between cable equipment (especially security devices) and captioning decoders; but (b) if proper care and attention is paid, compatibility problems can be avoided. Because compatibility problems can arise, cable equipment designers must be cognizant of their obligation not to impede the delivery of captions to all cable television subscribers.

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NCI has experienced a number of cable practices that
do and do not interfere with captions.

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The Commission already has a good model in Section 76.606 of its Rules, which requires cable television systems to deliver line 21 closed captions in a form that can be accurately decoded by receivers designed under the standards set forth in Section 15.119 of the Commission's Rules. This requirement should remain in place and should absolutely apply to all new cable technologies.

Accordingly, cable system operators may reconstruct or alter the television signal any which way they choose, as long as the reconstructed signal contains all the captions and is delivered to the cable television subscriber in a form that permits FCC-compliant line 21 decoding circuitry contained in consumer television receivers to decode and display the captions.

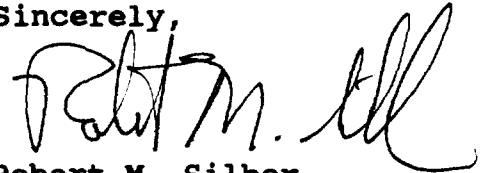
Moreover, the television signal reconstruction requirement discussed above should be included whenever any cable signal distribution system requirements are adopted. If, for example, the Commission should require cable system operators to deliver a usable television signal that does not go through the operators' encryption decoder(s), then the Commission should also require that the signal's line 21 captions be kept intact and be presented for unimpeded decoding. In other words, any step the Commission takes to ensure the proper functioning of any features within a consumer-owned television device should ensure the same for line 21 closed captions.

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Conclusion

NCI believes that in enacting the Television Decoder Circuitry Act of 1990, Congress made clear its intent that every purchaser of a new television receiver be able to view closed captions on any captioned television program. Adoption of the approach suggested in this letter will ensure that the intent of Congress is properly fulfilled insofar as cable television delivery is concerned.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert M. Silber", with a stylized flourish at the end.

Robert M. Silber
Corporate Attorney
National Captioning
Institute, Inc.
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Suite 1500
Falls Church, VA 22041
(703) 998-2460

cc: Mr. Alan Stillwell (FCC)

FOOTNOTES

- 1/ As discussed further infra, until this year, captioning decoders were almost all external set-top devices. Starting this year, decoding circuitry will be built into